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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,111	02/06/2004	Scott E. Hrastar	4832	9009
23474 7590 09/05/2008 CLEMENTS BERNARD MILLER 1901 ROXBOROUGH ROAD SUITE 300 CHARLOTTE, NC 28211				
EXAMINER				
TRAN, TUAN A				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
09/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/774,111

Applicant(s)

HRASTAR, SCOTT E.

Examiner

TUAN A. TRAN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 27 and 33, the claims recite limitations "receiving coordinate information from the contacted receiver or proxy", "receive one or more pixel positions from the wireless network receiver or proxy", "receiving coordinate information from the first means", or "receiving RF signal characteristic data", which render the claims indefinite. Does the "received coordinate information/signal characteristic data" represent the coordinate position/signal reception of the contacted receiver or proxy (sensor and/or access point) itself on the network site, the coordinate position/signal reception of the client on the network site determined and/or recorded by the contacted receiver or proxy, or the combination thereof. Correction is required. For the purpose of examination, the examiner consider, in accordance with the specification (page 9, paragraph 0124), the "received coordinate information" represents the coordinate position/signal reception of the client on the network site determined and/or recorded by the contacted receiver or proxy.

Claims 2-26 and 28-32 are rejected upon being dependent to independent claims 1, 27 and 33 that have been rejected.

Allowable Subject Matter

2. Claims 1-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 27 and 33, the closest prior art to the claimed subject matters is Gray (6,674,403). Gray discloses a system and a method for surveying a wireless network site, the method comprising the steps of: (a) contacting a wireless network access point therefor; (b) receiving one or more client identifiers from the contacted access point, wherein the one or more client (device) identifiers are received by the contacted access point; (c) receiving position coordinate information from the contacted access point (obtained by the contacted access point using GPS device) as well as from local database of the system; (d) correlating (linking) the received one or more client identifiers with the received coordinate information; (e) receiving RF signal characteristic data from the contacted access point, wherein the RF signal characteristic data are obtained by the contacted access point; (f) storing survey data based upon the correlation (the linking) of the received one or more client identifiers, the received coordinate information and the received RF signal characteristic data; and (g) receiving a request for the survey data from a requestor and transmitting the stored survey data to the requestor (See figs. 1-2, 5, 7 and col. 3 line 5 to col. 5 line 26, col. 6 line 27 to col. 7 line 77, col. 11 line 31 to col. 12 line 29, col. 14 line 38 to col. 15 line 19). However,

Gray does not explicitly mention that utilizing the survey data as calibration information for monitoring all wireless devices accessing the network site, wherein the calibration information is used to adjust a plurality of threshold values in monitoring the wireless network site as specified in the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN A. TRAN whose telephone number is (571)272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan A Tran/
Primary Examiner, Art Unit 2618